

**MONDAY, FEBRUARY 3, 2003**

**SECOND LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Dr. James Porch of the Tennessee Baptist Convention in Brentwood, Tennessee, a guest of Senator Burks.

**PLEDGE OF ALLEGIANCE**

Senator Trail led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

**REPORT OF WORKER'S COMPENSATION  
ADVISORY COUNCIL**

The report was received and filed with the Clerk.

**THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**AMENDMENTS TO TENNESSEE RULES OF APPELLATE PROCEDURE**

**ORDER**

The order was received and filed with the Clerk.

**THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**AMENDMENTS TO TENNESSEE RULES OF EVIDENCE**

**ORDER**

The order was received and filed with the Clerk.

THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

AMENDMENTS TO TENNESSEE RULES OF CRIMINAL PROCEDURE

ORDER

The order was received and filed with the Clerk.

THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

AMENDMENTS TO TENNESSEE RULES OF CIVIL PROCEDURE

ORDER

The order was received and filed with the Clerk.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 28** by Senator Clabough.

Law Enforcement -- Provides that any POST-certified officer who ceases law enforcement employment and is subsequently re-employed as law enforcement officer within seven years is not required to undergo recruit training program upon re-employment. Amends TCA Title 38, Chapter 8.

**Senate Bill No. 29** by Senator Clabough.

Firearms and Ammunition -- Authorizes county magistrates to carry weapons. Amends TCA Title 39, Chapter 17, Part 13.

**Senate Bill No. 30** by Senator Clabough.

Criminal Offenses -- Expands crime of retaliation for past action to include threats against family members. Amends TCA Section 39-16-510.

**Senate Bill No. 31** by Senator Clabough.

Municipal Government -- Exempts certified public accountants from certification requirements for municipal clerks and recorders. Amends TCA Section 6-54-120.

**Senate Bill No. 32** by Senator Clabough.

Correctional Programs -- Requires facilities that house alternatively sentenced criminal offenders to notify chief law enforcement officer in county where facility exists of identities, criminal records and locations of such offenders. Amends TCA Title 40.

**Senate Bill No. 33** by Senator Clabough.

Criminal Offenses -- Clarifies that being in physical control of automobile or other motor vehicle while intoxicated is qualifying offense for habitual offender status. Amends TCA Title 55, Chapter 10.

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### **Senate Bill No. 34** by Senator Clabough.

Taxes, Ad Valorem -- Removes requirement that veteran's permanent total disability be combat-related in order to obtain property tax relief. Amends TCA Section 67-5-704.

### **Senate Bill No. 35** by Senator Clabough.

Evidence -- Provides that benevolent gestures of sympathy made to party involved in accident or party's family are inadmissible in civil action as evidence of admission of declarant's liability but admission of fault which is part of or in addition to such gesture is not inadmissible. Amends TCA Title 24, Chapter 7, Part 1.

### **Senate Bill No. 36** by Senator McNally.

Judges and Chancellors -- Clarifies that general sessions judges may administer oath of office for any elected or appointed official. Amends TCA Title 8, Chapter 18.

### **Senate Bill No. 37** by Senator McNally.

Transportation, Dept. of -- Requires department to incorporate subsurface engineering in project plans, to include relocation costs in project estimates, and obtain right-of-way and easements for relocations during land acquisition phase; includes utilities in cooperative planning agreements. Amends TCA Title 54.

### **Senate Bill No. 38** by Senator Crutchfield.

Vending Machines -- Exempts vending machines operated for benefit of charitable entity from sales tax; imposes privilege tax on such vending machines. Amends TCA Title 67, Chapter 4, Part 5.

### **Senate Bill No. 39** by Senators Henry and McNally.

Consumer Protection -- Transfers authority to regulate unsolicited facsimiles from Department of Commerce and Insurance to Tennessee Regulatory Authority. Amends TCA Title 47, Chapter 18, Part 16; Title 47, Chapter 18, Part 25 and Title 65, Chapter 4.

### **Senate Bill No. 40** by Senator Cooper.

Pensions and Retirement Benefits -- Increases supplemental "bridge" benefits for certain persons subject to mandatory retirement based on age. Amends TCA Section 8-36-205 and Section 8-36-211.

### **Senate Bill No. 41** by Senator Cooper.

Pensions and Retirement Benefits -- Provides for increased benefits for certain retirees if excess contributions for Tennessee consolidated retirement system are available to fund such increases. Amends TCA Title 8, Chapter 36, Part 7 and Section 8-36-124.

### **Senate Bill No. 42** by Senator Cooper.

Pensions and Retirement Benefits -- Provides for excess retirement contribution appropriations for teachers, if available, to be used to improve retirement benefits. Amends TCA Section 8-36-124.

### **Senate Bill No. 43** by Senator Kurita.

Registers of Deeds -- Authorizes withdrawal of voluntarily filed instruments upon payment of filing fee. Amends TCA Title 8, Chapter 13.

### **Senate Bill No. 44** by Senator Kurita.

Mental Health and Developmental Disabilities, Dept. of -- Explicitly adds use of public facilities to policy of state for planning services for mental health and developmental disabilities needs.

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### **Senate Bill No. 45** by Senator Kurita.

Mental Retardation -- Requires statewide planning and policy council to report to commissioner annually on state of services to mentally retarded in Tennessee. Amends TCA Title 4; Title 33 and Title 71.

### **Senate Bill No. 46** by Senator Bryson.

Insurance Companies, Agents, Brokers, Policies -- Deletes restrictions placed on preferences or distinctions in sale of insurance based upon membership, nonmembership, or employment of persons in particular group, association, corporation or organization, including fictitious groupings. Amends TCA Section 56-8-116.

### **Senate Bill No. 47** by Senator Jackson.

Medical Occupations -- Excludes person licensed by board of occupational and physical therapy examiners or board of communication disorders and sciences who provides services to persons in their homes from being required to obtain home care organization license. Amends TCA Title 68, Chapter 11.

### **Senate Bill No. 48** by Senator Crutchfield.

Civil Procedure -- Adds general sessions court judges to those officials currently authorized to administer oaths to elected or appointed officials; current officials include county executive, county clerk and judge of court of record in county. Amends TCA Title 8, Chapter 18, Part 1.

### **Senate Bill No. 49** by Senator Cooper.

Juvenile Offenders -- Authorizes access to juvenile court and law enforcement records by principals, principal-teachers, and assistant principals for sole purpose of determining whether child has committed felony and is possible threat to persons in school or disruption to educational process. Amends TCA Title 37, Chapter 1, Part 1.

### **Senate Bill No. 50** by Senator Norris.

Taxes, Ad Valorem -- Increases from \$140,000 to \$150,000 amount of full market value for which qualifying disabled veterans may receive reimbursement for all or part of local property taxes paid on such veteran's residence. Amends TCA Title 67, Chapter 5, Part 7.

### **Senate Bill No. 51** by Senator Atchley.

Pensions and Retirement Benefits -- Increases allowable percentages of final average compensation which certain retirees may receive from Tennessee consolidated retirement system and superceded systems. Amends TCA Section 8-36-208.

### **Senate Bill No. 52** by Senator Norris.

Taxes, Excise -- Allows credit against excise tax in amount equal to 15 percent of taxpayer's expenditures in state for research and experimental purposes. Amends TCA Title 67, Chapter 4.

### **Senate Bill No. 53** by Senator Norris.

Financial Institutions, Dept. of -- Requires Commissioner of Financial Institutions to report to governor annually within 60 days after end of each calendar year; present law requires such reporting within 60 days after end of each fiscal year. Amends TCA Title 45, Chapter 1, Part 1.

### **Senate Bill No. 54** by Senator Cooper.

Taxes, Sales -- Exempts from sales taxes merchandise obtained from vending machines owned or operated by blind vendors. Amends TCA Title 67, Chapter 6, Part 3.

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### **Senate Bill No. 55** by Mr. Speaker Wilder.

Statutes -- Codifies acts of 2002 session.

### **Senate Bill No. 56** by Senator Fowler.

Public Health -- Requires state to permit certain private laboratories to conduct certain testing of newborn infants. Amends TCA Title 68, Chapter 5, Part 4.

### **Senate Bill No. 57** by Senator Fowler.

Fireworks -- Authorizes City of East Ridge to sell at retail Class C common fireworks; provisions of Title 68, Chapter 104, Part 1 regulating fireworks applies to such sales.

### **Senate Bill No. 58** by Senator Fowler.

Public Records -- Authorizes clerks to remove veteran's official military discharge information from public records. Amends TCA Title 10, Chapter 7, Part 5.

### **Senate Bill No. 59** by Senator Haynes.

Alcoholic Beverages -- Creates presumption that any Tennessee higher education institution is qualified to provide alcohol awareness training for employees or servers seeking employee or server permit. Amends TCA Title 57, Chapter 3, Part 7.

### **Senate Bill No. 60** by Senator Haynes.

Highway Signs -- Nossi College of Art, various locations in Davidson County.

### **Senate Bill No. 61** by Senator Haynes.

Safety -- Clarifies that nothing in child safety belt law prevents mother from attending to child's other physiological needs; restores language removed from child restraint law in 102nd General Assembly. Amends TCA Section 55-9-602.

### **Senate Bill No. 62** by Senator Haynes.

Election Laws -- Increases number of signatures required on nominating petition from 25 to 500. Amends TCA Title 2, Chapter 5, Part 1.

### **Senate Bill No. 63** by Senator Haynes.

Safety -- Transfers approval of training for public safety dispatchers from TEMA to emergency communications board. Amends TCA Title 58, Chapter 2, Part 2.

### **Senate Bill No. 64** by Senator Haynes.

Courts, Creation -- Creates new chancellor position and two new criminal court judge positions in 20th judicial district with such positions to be filled by appointment of governor. Amends TCA Title 16, Chapter 2, Part 5.

### **Senate Bill No. 65** by Senator Haynes.

Campaigns and Campaign Finance -- Removes limitation on candidate contributing personal funds to such candidate's own election. Amends TCA Title 2, Chapter 10, Part 3.

### **Senate Bill No. 66** by Senator Haynes.

Environmental Preservation -- Authorizes court to issue temporary restraining order, in addition to temporary or permanent injunction, to enforce landfill and solid waste disposal orders, rules or regulations. Amends TCA Title 68, Chapter 211.

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**Senate Bill No. 67** by Senator Haynes.

Solid Waste Disposal -- Requires members of House and Senate who represent county where landfill or hazardous waste facility is to be located to be notified at least 30 days prior to date Department of Environment and Conservation plans to issue permit for such landfill or facility. Amends TCA Title 68, Chapter 211 and Title 68, Chapter 212.

**Senate Bill No. 68** by Senator Haynes.

Solid Waste Disposal -- Prohibits landfill from being permitted or constructed in Davidson County if only access to landfill is by county road which runs through residential neighborhood with more than 50 residents residing along such road and located within two miles of landfill. Amends TCA Title 68, Chapter 211, Part 1.

**Senate Bill No. 69** by Senator Haynes.

Sewage -- Requires installation of approved effluent filter for each new subsurface sewage disposal system that utilizes pump for distribution delivery of effluent to disposal system. Amends TCA Title 68, Chapter 221, Part 4.

**Senate Bill No. 70** by Senator Haynes.

Parks, Natural Areas Preservation -- Adds segment of Cumberland River in Davidson County, from Old Hickory Dam to Old Hickory Bridge, to Class II pastoral river area classification in scenic river system. Amends TCA Title 11, Chapter 13.

**Senate Bill No. 71** by Senator Haynes.

Parks, Natural Areas Preservation -- Adds Stones River in its entirety to Class II pastoral river area classification in scenic river system. Amends TCA Title 11, Chapter 13.

**Senate Bill No. 72** by Senator Haynes.

Solid Waste Disposal -- Prohibits, in counties having metropolitan government, location of solid waste disposal facilities or sites in areas in which only means of access is by county roadway through residential neighborhood that is located within two miles of disposal facility or site and has 50 or more persons residing along such roadway. Amends TCA Title 68, Chapter 211, Part 1.

**Senate Bill No. 73** by Senator Haynes.

Solid Waste Disposal -- Prohibits landfill from being permitted or constructed in Davidson County if landfill is located within two miles of park or other government recreation facility. Amends TCA Title 68, Chapter 211, Part 1.

**Senate Bill No. 74** by Senator Haynes.

Environmental Preservation -- Adds wetland areas with significant potential for enhancement of water quality to list of wetlands inventory. Amends TCA Title 11, Chapter 14.

**Senate Bill No. 75** by Senator Haynes.

Conservation -- Adds ornament to definition of "burial object" for archaeological purposes. Amends TCA Title 4 and Title 11, Chapter 6.

**Senate Bill No. 76** by Senator Haynes.

Environmental Preservation -- Requires owner or operator of landfill to use native grasses to cover landfill when it has ceased operation. Amends TCA Title 68, Chapter 211.

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### **Senate Bill No. 77** by Senator Haynes.

Environmental Preservation -- Expands authority for local approval of solid waste facilities to include binding agreements as well as contracts for location of landfill area. Amends TCA Title 68, Chapter 211.

### **Senate Bill No. 78** by Senator Haynes.

Environmental Preservation -- Includes limited liability company within definition of "person" for purposes of landfill regulation. Amends TCA Title 68, Chapter 211.

### **Senate Bill No. 79** by Senator Haynes.

Sewage -- Increases pilot project study on advanced treatment systems (ATS) from two-year study to four-year study; requires routine operation and maintenance on ATS at least every three months instead of three-month intervals; designates failure of manufacturer to perform contractual obligations regarding operation and maintenance of ATS as Class C misdemeanor. Amends TCA Title 68, Chapter 221, Part 4.

### **Senate Bill No. 80** by Senator Haynes.

Parks, Natural Areas Preservation -- Expands values protected in Class II scenic area to include ecological, as well as natural and scientific. Amends TCA Title 11.

### **Senate Bill No. 81** by Senator Haynes.

Medical Occupations -- Revises membership of emergency medical services board. Amends TCA Title 68, Chapter 140, Part 5.

### **Senate Bill No. 82** by Senator Haynes.

Education -- Requires students in Davidson County to be assigned to Davidson County public school that contains grade in which student is enrolled nearest home of student upon request of student's parent or legal guardian. Amends TCA Section 49-6-3102.

### **Senate Bill No. 83** by Senator Haynes.

Public Contracts -- Prohibits person from bidding on public contract if relative is member of board or commission responsible for awarding contract; prohibits state employee from working for government entity if relative is member of board or commission that makes decisions affecting operation of such entity. Amends TCA Section 8-31-103 and Section 12-3-106.

### **Senate Bill No. 84** by Senator Haynes.

Real Property -- Provides ninety-day period for heirs of deceased person who owned property to make loan current prior to foreclosure sale. Amends TCA Title 35, Chapter 5, Part 1.

### **Senate Bill No. 85** by Senator Haynes.

Transportation, Dept. of -- Creates office of ombudsman in department to address consumer inquiries and complaints. Amends TCA Title 4, Chapter 3, Part 23.

### **Senate Bill No. 86** by Senator Haynes.

Taxes, Real Property -- Authorizes Speakers of House and Senate to appoint seven-member advisory commission, to include comptroller, ex officio, to assist legislature in determining eligibility and amount of reimbursement of property taxes to elderly low-income taxpayers on owner-occupied residential property. Amends TCA Title 67, Chapter 5, Part 7.

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### **Senate Bill No. 87** by Senator McNally.

Motor Vehicles, Titling and Registration -- Deletes requirement that certificates of registration be signed. Amends TCA Section 55-4-108.

### **Senate Bill No. 88** by Senator Cooper.

Boards and Commissions -- Enacts "Board Equity Act of 2003". Amends TCA Title 68 and Title 69, Chapter 3.

### **Senate Bill No. 89** by Senator Cooper.

Ethics -- Prohibits any agency which receives state funds for operational expenses from using such state funds to lobby or to make gifts or political contributions to candidate for public office. Amends TCA Section 3-6-108.

### **Senate Bill No. 90** by Senator Cooper.

Campaigns and Campaign Finance -- Prohibits bidders on state and local government contracts from making campaign contributions to incumbents and candidates for office in entity to which bid being made. Amends TCA Title 2, Chapter 10, Part 3.

### **Senate Bill No. 91** by Senator Cooper.

Motor Vehicles -- Prohibits motor vehicle dealer from selling motor vehicle to individual for personal use, if individual does not have valid driver license at time vehicle is sold except in certain circumstances; establishes penalties. Amends TCA Title 55, Chapter 17.

### **Senate Bill No. 92** by Senator Cooper.

Correction, Dept. of -- Requires any list or searchable database on state Web site of persons convicted of felony offenses to include offense for which persons convicted and sentence class and length of each conviction. Amends TCA Title 4, Chapter 6 and Title 40.

### **Senate Bill No. 93** by Senator Cooper.

Taxes, Inheritance Gift -- Decouples Tennessee estate and inheritance taxes from federal estate tax changes effective after December 31, 2000. Amends TCA Title 67, Chapter 8.

### **Senate Bill No. 94** by Senator Cooper.

Economic and Community Development -- Enacts "Accountability in Economic Development Act". Amends TCA Title 4, Chapter 17.

### **Senate Bill No. 95** by Senator Cooper.

Education, Higher -- Prohibits four-year state institutions of higher education from offering remedial courses to persons who graduated from secondary school within five years of admission to institution of higher education; permits only two-year institutions to offer such courses. Amends TCA Title 49, Chapter 7.

### **Senate Bill No. 96** by Senator Cooper.

Education, Higher -- Combines University of Tennessee and board of regents systems; gives THEC certain responsibilities. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

### **Senate Bill No. 97** by Senator Cooper.

Campaigns and Campaign Finance -- Limits amount of money state or local political party committee or political campaign committee can receive from national political party committee and committees for federal or out-of-state offices. Amends TCA Title 2, Chapter 10.



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### **Senate Bill No. 98** by Senator Cooper.

Campaigns and Campaign Finance -- Enacts "Measure Campaign Disclosure Act". Amends TCA Title 2, Chapter 10.

### **Senate Bill No. 99** by Senator Cooper.

Purchasing -- Authorizes state purchasing officers to purchase materials included in term contract on open market if such materials meet specifications of contract and can be purchased at cost savings to state. Amends TCA Title 12, Chapter 3.

### **Senate Bill No. 100** by Senator Cooper.

Taxes, Income -- Removes distribution of percentage of Hall Income Tax to cities and counties and directs all proceeds be deposited in state general fund. Amends TCA Title 67, Chapter 2, Part 1.

### **Senate Bill No. 101** by Senator Cooper.

Managed Care Organizations -- Enacts "HMO Accountability Act". Amends and repeals portions of TCA Title 56, Chapter 32, Part 2.

### **Senate Bill No. 102** by Senator Cooper.

Tobacco Master Settlement Agreement -- Retains 50 percent allocation of funds to each of health reserve account and agricultural reserve account; revises composition and duties of committees for agricultural and health reserve committees; makes appropriations to such reserve accounts. Amends TCA Title 9, Chapter 4, Part 55.

### **Senate Bill No. 103** by Senator Cooper.

Consumer Protection -- Adds offense of identity theft to definition of racketeering activity for purposes of RICO; requires persons or other businesses who entered into transaction where identity theft was involved to disclose certain information to victim; requires consumer reporting agency to block certain information if consumer is victim of identity theft. Amends TCA Title 39 and Title 47, Chapter 18.

### **Senate Bill No. 104** by Senator Cooper.

Tobacco Master Settlement Agreement -- Revises percentage distribution between health and agricultural reserve accounts for money received from tobacco settlement; revises composition and duties of committee for each account; makes appropriations to such reserve accounts. Amends TCA Title 9, Chapter 4, Part 55.

### **Senate Bill No. 105** by Senator Cooper.

Education -- Provides for consolidation of school systems to one per county by September 1, 2006. Amends TCA Title 49.

### **Senate Bill No. 106** by Senator Beavers.

County Government -- Authorizes county legislative body of any county in Four Lakes regional industrial development authority to direct its election commission to conduct nonbinding advisory referendum at August 2004 general election on question of whether county commission should permit uranium enrichment facility in such county. Amends TCA Title 64, Chapter 5, Part 2.

### **Senate Bill No. 107** by Senator Graves.

Divorce, Annulment and Alimony -- Removes requirement that all petitions of divorce and legal separation contain social security numbers of parties and children born of marriage. Amends TCA Title 36, Chapter 4, Part 1.

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### **Senate Bill No. 108** by Senator Graves.

Auctions and Auctioneers -- Adds designee who is authorized by firm to those presently authorized to negotiate and sign for contracts for services to be performed by auction firm; present law only permits auctioneer who is member of firm or auctioneer's attorney. Amends TCA Section 62-19-111.

### **Senate Bill No. 109** by Senator Graves.

School Districts, Special -- Removes prohibition of new special school districts and allows any county or municipal school system to become special school district by majority vote of affected board of education and local governing body. Amends TCA Title 49, Chapter 2, Part 5.

### **Senate Bill No. 110** by Senator Cooper.

TennCare -- Requires comptroller of treasury to report by January 15, 2004, to select committee on TennCare oversight on effect of terminating TennCare waiver and moving Medicaid program to managed care program under federal law. Amends TCA Title 3; Title 4; Title 29; Title 33; Title 36; Title 37; Title 41; Title 47; Title 49; Title 50; Title 56; Title 63; Title 68 and Title 71.

## **REFERRAL OF BILLS**

Pursuant to the appointments of the Standing Committees, the following bills were referred to the appropriate committees:

**Senate Bill No. 1** referred to Committee on State and Local Government.

**Senate Bill No. 2** referred to Committee on Transportation.

**Senate Bill No. 3** referred to Committee on Judiciary.

**Senate Bill No. 4** referred to Committee on Transportation.

**Senate Bill No. 5** referred to Committee on Transportation.

**Senate Bill No. 6** held on desk.

**Senate Bill No. 7** referred to Committee on State and Local Government.

**Senate Bill No. 8** -- Caption Bill -- held on desk pending filing of amendment.

**Senate Bill No. 9** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 10** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 11** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 12** referred to Committee on Judiciary.

**Senate Bill No. 13** referred to Committee on Transportation.

**Senate Bill No. 14** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 15** referred to Committee on Commerce, Labor and Agriculture.

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**Senate Bill No. 16** referred to Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 17** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 18** referred to Committee on Judiciary.

**Senate Bill No. 19** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 20** referred to Committee on Judiciary.

**Senate Bill No. 21** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 22** referred to Committee on Judiciary.

**Senate Bill No. 23** referred to Committee on State and Local Government.

### **SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 24** held on desk.

**Senate Bill No. 25** referred to Committee on Judiciary.

**Senate Bill No. 26** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 27** referred to Committee on Transportation.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 19** by Senator Fowler.  
Constitutional Amendments -- Provides for popularly elected attorney general and reporter for state.

**Senate Joint Resolution No. 20** by Senator Fowler.  
Memorials, Public Service -- Family & Children's Services of Chattanooga, 125th anniversary.

**Senate Joint Resolution No. 21** by Senator Trail.  
Memorials, Personal Occasion -- Whitney Stegall, Sr., 87th birthday.

**Senate Joint Resolution No. 22** by Senator Jackson.  
Memorials, Retirement -- Judge Allen W. Wallace.

**Senate Joint Resolution No. 23** by Mr. Speaker Wilder.  
Naming and Designating -- May 24, Tennessee Aviation Maintenance Technicians Day.

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**Senate Joint Resolution No. 24** by Senator Herron.  
Memorials, Retirement -- Alma and Billy Ford.

**Senate Joint Resolution No. 25** by Senator Jackson.  
Memorials, Death -- J.R. Humphreys.

**Senate Resolution No. 1** by Senators McNally, Atchley, Ramsey, Miller, Norris, Person, Williams, Burchett, Fowler, Clabough, Crowe, Beavers, Southerland, Bryson and Ketron.  
General Assembly, Confirmation of Appointment -- Darlene L. McNeece, reappointment to Tennessee Registry of Election Finance.

### REFERRAL OF RESOLUTIONS

Pursuant to the appointments of the Standing Committees, the following resolutions were referred to the appropriate committees:

**Senate Joint Resolution No. 11** referred to Committee on State and Local Government.

**Senate Joint Resolution No. 15** referred to Committee on Judiciary.

### RESOLUTION LYING OVER

**Senate Joint Resolution No. 17** -- General Assembly, Directed Studies -- Requires inter-departmental study of autism and creates special joint committee to recommend any necessary legislation.

The Speaker announced that he had referred Senate Joint Resolution No. 17 to Committee on General Welfare, Health and Human Resources.

### MOTION

Mr. Speaker Wilder moved that the rules be suspended for the purpose of introducing **Senate Joint Resolution No. 32**, out of order, which motion prevailed.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution No. 32** by Mr. Speaker Wilder.  
Memorials, Retirement -- James Harvey "Preacher" Shelton.

### MOTION

Senator Crowe moved that Rule 38 be suspended for the purpose of placing the following resolutions on a consent calendar for today, February 3, 2003, which motion prevailed: **Senate Joint Resolutions Nos. 21 and 32**.

### CONSENT CALENDAR

**Senate Joint Resolution No. 21** -- Memorials, Personal Occasion -- Whitney Stegall, Sr., 87th birthday.

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**Senate Joint Resolution No. 32** -- Memorials, Retirement -- James Harvey "Preacher" Shelton.

Senator Crowe moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

**MOTION**

Senator Graves moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 31**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 31** by Senator Graves.  
Memorials, Public Service -- Gallatin Bicentennial Celebration Committee.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 31** was adopted by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**MOTION**

Senator Ramsey moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 37**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution No. 37** by Senators Ramsey, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder.  
Naming and Designating -- February 6, 2003, "Ronald Reagan Day" in Tennessee.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 37** was adopted by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

### RECALL OF BILL

On motion of Senator Crutchfield, **Senate Bill No. 48** was recalled from the Clerk's desk.

### WITHDRAWAL OF BILL

On motion of Senator Crutchfield, Senate Bill No. 48 was withdrawn from the Senate.

### APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointments of the following Select Committees:

#### CALENDAR

Crowe (R), Chairperson; Atchley (R) and Crutchfield (D).

#### DELAYED BILLS

Mr. Speaker Wilder (D), Atchley (R) and Crutchfield (D).

#### ETHICS

Henry (D), Chairperson; Atchley (R), Haynes (D), Person (R) and Kurita (D).

#### RULES

Kyle (D), Chairperson; Atchley (R), Crutchfield (D), Kurita (D) and McNally (R).

### APPOINTMENT OF OVERSIGHT COMMITTEES

The Speaker announced the appointments of the following Oversight Committees:

#### SELECT OVERSIGHT COMMITTEE ON CHILDREN AND YOUTH

Senators Crutchfield, Dixon, Graves, Harper, Henry, Jackson, Person, Trail and Beavers.

**SELECT OVERSIGHT COMMITTEE ON CORRECTIONS**

Senators Atchley, Crutchfield, Fowler, Harper, Kyle, Norris and Jackson.

**SELECT OVERSIGHT COMMITTEE ON EDUCATION**

Senators Atchley, Crowe, Crutchfield, Graves, Haynes, McNally, Fowler, Herron and McLeary.

**SELECT OVERSIGHT COMMITTEE ON TENNCARE**

Senators Atchley, Ford, Herron, Jackson, McNally, Fowler and Dixon.

**SELECT OVERSIGHT COMMITTEE ON BUSINESS TAXES**

Senators Cooper, Dixon, Henry, Norris, McNally, Ramsey and Kyle.

**SELECT OVERSIGHT COMMITTEE ON PENSIONS AND INSURANCE**

Senators Atchley, Crutchfield, Clabough, Ford, Henry, Kyle and Cooper.

**SPECIAL JOINT COMMITTEE ON WORKERS' COMPENSATION**

Senators Atchley, Burchett, Clabough, Crutchfield, Dixon, Haynes, Kurita and Ketron.

**TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (TACIR)**

Senators Crutchfield, Norris, Beavers and Graves.

**BLACK HEALTH CARE COMMISSION**

Senators Dixon, Harper and Ford.

**MOTION**

On motion of Senator Henry, his name was added as prime sponsor of **Senate Joint Resolution No. 17.**

On motion of Senator Walker, his name was added as sponsor of **House Joint Resolutions Nos. 11, 12, 13, 14 and 15.**

On motion of Senator Bryson, his name was added as sponsor of **House Joint Resolutions Nos. 11, 12, 13 and 14.**

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolutions Nos. 15 and 20.**

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 21 and 37.**

On motion of Senator Jackson, his name was added as prime sponsor of **Senate Joint Resolution No. 18.**

**MONDAY, FEBRUARY 3, 2003 -- 2ND LEGISLATIVE DAY**

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolution No. 18**.

On motion of Senator Norris, his name was added as sponsor of **Senate Joint Resolution No. 32**.

**ENGROSSED BILLS**

February 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 21, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

February 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 32, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

February 3, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 31 and 37, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

February 3, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 13, 14, 21 and 31; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 13, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.



**MONDAY, FEBRUARY 3, 2003 -- 2ND LEGISLATIVE DAY**

**ENROLLED BILLS**

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 14 and 21, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 31, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

February 3, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 17, adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

February 4, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 13 and 31.

**SIGNED**

February 4, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 14 and 21.

**MESSAGE FROM THE HOUSE**

February 4, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 13, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MONDAY, FEBRUARY 3, 2003 -- 2ND LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

February 4, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 14 and 21, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 4, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 31, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 13, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

February 4, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 31, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

January 24, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 8, 9 and 18; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

January 28, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1, 2, 3, 4, 10, 12 and 16; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**MONDAY, FEBRUARY 3, 2003 -- 2ND LEGISLATIVE DAY**

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, February 5, 2003, which motion prevailed.